

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STATE OF WASHINGTON,

Plaintiff,

vs.

MATHESON FLIGHT EXTENDERS,
INC.,

Defendant.

Case No.

**NOTICE OF REMOVAL TO FEDERAL
COURT**

(DIVERSITY OF CITIZENSHIP)

28 U.S.C. §§ 1332(a), 1441, 1446(c)

TO: THE CLERK OF THE COURT;

AND TO: PLAINTIFF STATE OF WASHINGTON;

**AND TO: MITCHELL A. RIESE, Attorney General of Washington, Plaintiff's
Counsel of Record.**

PLEASE TAKE NOTICE that Defendant Matheson Flight Extenders, Inc. ("Matheson" or "Defendant"), hereby effects the removal of the state action described herein from the Superior Court of the State of Washington in and for the County of King (filed November 28, 2017, Case No. 17-2-30546-4 SEA), to the United States District Court for the Western District of Washington at Seattle. This removal is based upon complete diversity of citizenship of the parties, see 28 U.S.C. §§ 1332(a), 1441, and is timely under 28 U.S.C. § 1446.

1 Written notice of the filing of this Notice of Removal is being filed with the Clerk of
 2 the Superior Court of the State of Washington, in and for the County of King. The written
 3 notice shall be served upon all parties together with a copy of this Notice pursuant to 28
 4 U.S.C. § 1446(d).

5 In support of its Notice of Removal, Defendant provides the following information:

6 **PLEADINGS**

7 On or about November 28, 2017, Plaintiff State of Washington ("Plaintiff") commenced
 8 an action against Matheson in the Superior Court of the State of Washington, in and for the
 9 County of King, by filing a Complaint captioned *State of Washington v. Matheson Flight*
 10 *Extenders, Inc.* and designated as Case No. No. 17-2-30546-4. Pursuant to LCR 101(b), a true
 11 and correct copy of the Complaint is included as a separate attachment in the ECF system labeled
 12 "Complaint."

13 On November 29, 2017, Plaintiff's counsel sent Defendant's counsel an electronic copy
 14 of the Complaint.

15 On December 8, 2017, Defendant accepted service of the Summons and Complaint.

16 True and correct copies of all process, pleadings, orders and other papers or exhibits on
 17 file with the state court are attached hereto as follows: (1) the Complaint is attached as "Exhibit
 18 1"; (2) the Order Setting Original Case Schedule is attached as "Exhibit 2"; (3) the Case
 19 Information Cover Sheet is attached as "Exhibit 3"; (4) the Summons is attached as "Exhibit 4";
 20 and (5) Defendant's Acceptance of Service is attached as "Exhibit 5."

21 Matheson is removing this action to this Court pursuant to 28 U.S.C. §§ 1332(a) and
 22 1446, based on the existence of diversity.

23 **TIMELINESS**

24 Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is being filed within thirty days
 25 after Matheson's receipt of Plaintiff's Complaint on November 29, 2017.

JURISDICTION

This Court has jurisdiction over this civil action pursuant to 28 U.S.C. § 1332(a), and this action is one that may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a). Matheson is the only Defendant. It is represented by the undersigned counsel, and consents to removal. As set forth below, this case meets all of the requirements for removal and is timely and properly removed by the filing of this Notice.

DIVERSITY OF CITIZENSHIP

Matheson is a citizen of the State of California, and not the State of Washington. At the time this action was commenced and continuing to today, Matheson's principal place of business under the "nerve center" test has been and remains Sacramento, California. *See Hertz Corp. v. Friend*, 559 U.S. 77, 80–81 (2010) (a corporation's principal place of business, or "nerve center," will typically be where its headquarters is located). Matheson is incorporated under the laws of the State of California.

Plaintiff in this action is the State of Washington. *See* Complaint, ¶ 3.1.

AMOUNT IN CONTROVERSY

This action is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332(a), and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a), in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interests and costs. Matheson is able to satisfy the amount in controversy based on the relief sought by Plaintiff. In the Complaint, Plaintiff asks the Court to "[a]ward damages or other appropriate relief to each person aggrieved by Defendant's conduct," and to make order to provide that Plaintiff recover "the costs of this action, including reasonable attorney's fees." *See* Complaint, ¶¶ 6.4, 6.5.¹

¹ By way of reference, prior to filing its Complaint, Plaintiff made a demand for \$35,000, which comprised alleged pre-litigation damages to one of Defendant's former employees and Plaintiff's pre-litigation attorneys' fees. Here, Plaintiff brings claims on behalf of "each person [allegedly] aggrieved by Defendant's [alleged] conduct." Complaint, ¶6.4.

1 Plaintiff's alleged damages, inclusive of attorneys' fees and costs, exceed the sum of \$75,000.

2 **VENUE**

3 Venue is proper in the Western District of Western Washington at Seattle. Venue is
4 proper in this District because this is the court for the district encompassing the place where this
5 action is currently pending. 28 U.S.C. § 1441(a).

6 **INTRADISTRICT ASSIGNMENT**

7 Venue is proper in the Seattle Division, pursuant to LCR 3(e), because this case was
8 removed from Washington State Superior Court, in and for the County of King, and because the
9 alleged events and omission that Plaintiff contends give rise to its claim are alleged to have
10 occurred in King County.

11 WHEREFORE, Matheson respectfully requests that the above-captioned matter, now
12 pending in the Superior Court of the State of Washington, in and for the County of King, Case
13 No. 17-2-30546-4, be removed to this Honorable Court for further proceedings.

14 Dated: December 27, 2017

s/ Ryan P. Hammond

Ryan P. Hammond, WSBA #38888
rhammond@littler.com

s/ Brad Bigos

John Bradley Bigos, WSBA #52297
jbigos@littler.com

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Attorneys for Defendant
Matheson Flight Extenders, Inc.

1 **CERTIFICATE OF SERVICE**

2 I am a resident of the State of Washington. I am over the age of eighteen years and not
3 a party to the within-entitled action. My business address is One Union Square, 600 University
4 Street, Suite 3200, Seattle, Washington 98101. I hereby certify that on December 27, 2017, I
5 electronically filed the foregoing document(s) with the Clerk of the Court using the CM/ECF
6 system which will send notification of such filing to the following:

7 **Attorneys for Plaintiff**

8 Mitchell A. Riese, WSBA #11947
9 Marsha Chien, WSBA #47020
10 Attorney General of Washington
11 Civil Rights Unit
12 800 Fifth Avenue, Suite 2000
13 Seattle, WA 98104
14 Tel: (206) 442-4492
15 mitchellr@atg.wa.gov
16 marshac@atg.wa.gov

17 I certify under penalty of perjury under the laws of the United States and of the State of
18 Washington that the foregoing is true and correct.

19 Dated this 27th day of December, 2017.

20 s/ Tiffany D. Holiday

21 Tiffany D. Holiday

22 tholiday@littler.com

23 **LITTLER MENDELSON, P.C.**

24 Firmwide:151810913.3 095416.1003